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Attorneys for Defendant
GOOGLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF DAVID ZIMMER IN
SUPPORT OF ORACLE AMERICA,
INC.'S ADMINISTRATIVE MOTION TO
FILE UNDER SEAL EXHIBITS TO
MEREDITH DEARBORN'S
DECLARATION IN SUPPORT OF
ORACLE AMERICA, INC.'S MOTION TO
EXCLUDE PORTIONS OF THE RULE
706 EXPERT REPORT OF DR. JAMES
KEARL [DKT NO. 1036]**

Dept.: Courtroom 8, 19th Floor
Judge: Hon. William Alsup

1 I, DAVID ZIMMER, declare as follows:

2 1. I am an associate with the law firm of Kecker & Van Nest LLP, counsel to Google
3 Inc. (“Google”) in the present case. I submit this declaration in support of Oracle America, Inc.’s
4 Administrative Motion to File Under Seal Exhibits to Meredith Dearborn’s Declaration in
5 Support of Oracle America, Inc.’s Motion to Exclude Portions of the Rule 706 Expert Report of
6 Dr. James Kearl [Dkt. No1036]. I have knowledge of the facts set forth herein, and if called to
7 testify as a witness thereto could do so competently under oath.

8 2. Certain of the redacted portions of Oracle’s Motion to Exclude Portions of the
9 Rule 706 Expert Report of Dr. James R. Kearl [Dkt. No. 1037] contain sensitive, non-public
10 information about Google’s financial management practices and methodologies. This includes
11 the redacted material at: 4:9-10, 4:13-17, 4:21-23, 5:4-11, 5:15-23, 5:25-28, 6:1-14, 6:16-26,
12 7:10-11, and 7:13-18. Public release of this information would cause great and undue harm to
13 Google. The Court has previously granted Google’s request to seal this information. *See, e.g.*,
14 Dkt. No. 1056. These selections should therefore be filed under seal.

15 3. Exhibit A to the Declaration of Meredith Dearborn In Support of Oracle America,
16 Inc.’s Motion to Exclude Portions of the Rule 706 Expert Report of Dr. James Kearl (“Dearborn
17 Decl.”) [Dkt. No. 1038] contains a short selection from the Expert Report of Dr. Alan J. Cox.
18 This selection includes Google’s sensitive, non-public financial data, such as costs, revenues, and
19 profits associated with Android. Public release of this information would cause great and undue
20 harm to Google. The Court has previously granted Google’s request to file under seal similar
21 selections from Dr. Cox’s report, *see, e.g.*, Dkt. No. 935, as well as this type of financial
22 information more generally, *see, e.g.*, Dkt. No. 1056. This exhibit should therefore be filed under
23 seal in its entirety.

24 4. Exhibit B to the Dearborn Decl. contains selections from the deposition of Andy
25 Rubin regarding Google’s accounting practices. Certain parts of Exhibit B contain sensitive, non-
26 public information about Google’s financial management practices and methodologies. This
27 includes the material at 8:5-9:5, 10:20-12:9, 13:3-15:12, 16:8-25, 21:2-24, 22:7-10, 22:15-17,
28 22:24-24:25, 29:5-32:25, 49:1-56:25, 61:1-4, 61:13-64:16, and 73:1-76:1. Public release of this

1 information would cause great and undue harm to Google. The Court has previously granted
2 Google's request to seal this information. *See, e.g.*, Dkt. No. 1056. These selections should
3 therefore be filed under seal.

4 I declare under penalty of perjury that the foregoing is true and correct and that this
5 declaration was executed at San Francisco, California on May 8, 2012.

6
7 By: /s/ David Zimmer
8 DAVID ZIMMER
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